

CHARTER

—AND—

By-Laws and Ordinances

—OF—

"The Village of Fayetteville."



HENRY L. BEARD, President,
MYRON BANGS,
LEVI SNELL, }
LEROY WICKHAM, } Trustees.

N. R. CHAPMAN, Clerk.



INCORPORATED MAY 6, 1844.

Re-Incorporated under the General Act of the Legislature, entitled "An Act for the Incorporation of Villages," passed April 20, 1870, January 28, 1871.

BY-LAWS AND ORDINANCES ADOPTED MAY 1, 1871.

FAYETTEVILLE, N. Y.

"RECORDER" STEAM BOOK AND JOB PRINT.
1871.

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CHARTER

By-Laws and Ordinances

"THE VILLAGE OF FAYETTEVILLE"

HERBERT H. HARRIS, President

WILLIAM HARRIS, Mayor

JOHN HARRIS, Treasurer

JOHN HARRIS, Clerk

N. E. HARRIS, Chaplain

INCORPORATED MAY 8, 1844

Re-incorporated under the General Act of the Legislature, entitled "An Act for the Incorporation of Villages," passed April 30, 1870, January 28, 1871.

BY-LAWS AND ORDINANCES ADOPTED MAY 1, 1871

FAYETTEVILLE, N. Y.

WILLIAM HARRIS, Mayor and Clerk

1871

20109

VILLAGE CHARTER

From Session Laws of 1870.



CHAP. 291.

AN ACT for the incorporation of Villages.

PASSED April 20, 1870 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

TITLE I.

This Title consists of Twenty Sections, and relates exclusively to the incorporation of Villages, which have never been incorporated, and is not applicable to the Village of Fayetteville, and so is here omitted.

TITLE II.

SECTION 1. The officers of a village incorporated under this act shall be as follows, unless otherwise herein directed :

A president, three trustees, a treasurer, a clerk, a collector and a street commissioner.

§ 2. If the resident population of the village shall exceed two thousand, then, if the board of trustees shall by resolution so direct, an additional trustee may be elected for each five hundred of population over the two thousand, until the entire number of trustees, exclusive of the president shall be nine.

§ 3. The president, trustees, treasurer and collector shall be elected annually by the electors of the village. The clerk and street commissioner shall be appointed annually by the board of Trustees.

§ 4. The board of trustees may, if in their judgment necessary, appoint, each year, a chief engineer of the fire department, one or more assistants, one or more fire wardens, one or more police constables, and a sealer of weights and measures.

§ 5. All officers elected or appointed under this act shall hold their respective offices one year, unless sooner removed or disqualified, and until their successors shall be elected or appointed and qualified.

§ 6. The inspectors of election, presiding at any election, or the clerk of the village, shall, within five days after such election, notify the persons elected of their election.

§ 7. Every person elected or appointed to office under this act who shall neglect to file the oath of office hereinafter required for five days after personal notice, in writing, from the inspectors of election or the village clerk, of his election or appointment, shall be deemed to have declined the office, and his place may be filled as in case of a vacancy.

§ 8. No person shall be eligible to any office unless he shall be at the time a resident and elector of the village. Whenever any officer of the village shall cease to be a resident thereof, his office shall become vacant.

§ 9. No person shall be eligible as president or trustee unless owning property liable to be assessed for the expenditures of the village.

§ 10. If there shall be a vacancy in any office under this act the board of trustees may fill the same.

§ 11. The treasurer, collector, street commissioner, police constable, and such other officers as may be required by the board of trustees, shall severally, before

they enter upon the duties of their respective offices, execute and file with the village clerk a bond to the village, in such a sum and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively.

§ 12. The several officers under this act shall each, before entering upon their duties, take and file with the clerk the oath of office provided by the Constitution.

§ 13. All inhabitants of the village qualified to vote at town meetings, who have resided within the bounds of said village thirty days next preceding such election, shall be entitled to vote for all officers to be elected, and at all elections to be held by this act, unless otherwise herein directed; but no person shall vote upon any proposition to raise a tax or appropriate the same, or purchase property, unless he shall at the time be liable to be assessed for such tax in his own right, or in the right of his wife.

§ 14. Any officer appointed by the board of trustees may be removed by the board for misconduct on notice to such officer, and opportunity given him to make his defense.

§ 15. Elections of elective officers of the corporation, after the first election of officers, shall be held annually on the third Tuesday of March, at one o'clock in the afternoon, and continue till sunset, at such places as shall be designated by the trustees, or a majority of them; at least six days' notice shall be given by the trustees, or a majority of them, prior to said election, by posting notices in six conspicuous places in the village, by the clerk, or some one appointed by the trustees, if there is no clerk. In case the trustees neglect to appoint a place, the election shall be held at the place of the last preceding annual election.

§ 16. The trustees and clerk of the village, after the first election of officers, shall be inspectors of elections for the village, and one or more of them shall preside at all elections. In case a trustee or the clerk shall not be present the electors may appoint a chairman to preside, who shall have all the powers of an inspector under this act.

§ 17. The return of every election under this act, after the election or elections as to incorporation, shall be filed with the clerk of the village.

TITLE III.

SECTION 1. The board of trustees shall meet at such times and places in the village as they shall by resolution direct. Special meetings may be called by the president or by the clerk, on the written request of two trustees, at such time and place as the written notice to be served on the trustees shall direct. This notice shall be served at least one hour before time of meeting.

§ 2. The president, when present, shall preside at meetings of the board, and have a vote on all questions; in his absence, any trustee may be appointed president for the time. A majority of the board shall constitute a quorum for the transaction of business.

§ 3. The trustees shall have the care, management and control of the finances and property, and custody of the records and papers and seal, belonging to the corporation; and may keep all buildings and other property of the corporation in repair, and insured against damage or loss by fire. The trustees shall have power, as to acts and matters within the corporate bounds, to make, publish, amend and repeal rules, ordinances and by-laws for the following purposes:

1. To declare and define the duties, and manner of discharging the same, of all officers of the corporation whose duties are not specially prescribed by this act,

and to add to the duties of those officers whose duties are thus prescribed, if the board of trustees deem necessary, and to fix the compensation of such officers, if not fixed by this act.

2. To prevent vice and immorality, preserve the public peace and order, to restrain and suppress disorderly houses and houses of ill fame or of assignation, gaming houses, and instruments and devices for gaming.

3. To establish and maintain a police, and prescribe their powers and duties; to erect or procure and maintain a lock-up, or designate a place for the detention of persons arrested under this act, or under any by-law, rule or ordinance, and to confine said person therein.

4. To apprehend and punish common prostitutes, vagrants and disorderly persons, and persons unnecessarily congregated upon the sidewalks or corners, or disturbing a public assembly.

5. To employ an attorney or attorneys for the transaction of any matter requiring legal skill.

6. To prevent incumbering the streets, squares, side-walks, cross-walks, lanes and alleys, with any material whatever.

7. To prevent or regulate any encroachment, or the erection of any projection from or opposite of any building in or over or upon any of the streets or sidewalks, and cause the same to be removed at the expense of the owner or occupant of the premises.

8. To establish and maintain a public pound, and appoint a keeper thereof, and to regulate his compensation and fees.

9. To restrain the running at large of cattle, sheep, horses, swine, geese and other animals, and to authorize the distraining, impounding and sale of the same for the penalty and cost of keeping and proceedings.

10. To provide for the lighting of the streets, and safety of the lamps.

11. To erect and maintain fire engine houses, hook

and ladder and hose houses.

12. To provide for the purchasing and repairing of fire engines, hooks and ladders, hose carts and hose, and all other necessary apparatus for the same.

13. To construct and maintain resevoirs and cisterns, and supply them with water for use at fires, and to protect and preserve property at fires, prevent fires and provide for their extinguishment.

14. To regulate and prevent any act, amusement or practice endangering property or person, on the streets, sidewalks or public grounds.

15. To regulate and prevent the running at large of dogs in the village.

16. To protect trees, provide for keeping the sidewalks free from snow, ice, dirt and other obstructions; and to direct and compel the cleaning of the streets by the persons owning or occupying the premises fronting thereon.

17. To regulate swimming and bathing in the waters within the bounds of the village.

18. To prevent immoderate riding or driving within the corporate limits, leaving horses untied in the streets, and to authorize any officer to stop any one guilty of such riding or driving in the streets.

19. To regulate the time, place and manner of keeping and selling meats, fish, vegetables and other agricultural products, and the location of slaughter-houses and places and houses for storing of gunpowder, or other explosive material.

20. To compel the removal and abatement of any public nuisance, and, if not done within such time as the trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien upon the lot on or in front of which it was, and to enforce the collection of such expense by leasing the premises in the manner prescribed in this act for the collection of unpaid taxes. or by action against

the owner or occupant of such lot, or any other person who may maintain or control such nuisance.

21. To prohibit or regulate all exhibitions or performances for money or hire, or authorize the same, on such terms as the trustees shall deem expedient.

22. To restrain and prevent hawking and peddling in the streets, to regulate, restrain or prohibit sales by auction, and grant licenses to auctioneers.

23. To regulate the use of candles, kerosene or burning materials of any kind, or lights or fires in barns and stables, and other places liable to take fire.

24. To regulate and control all existing public cemeteries, and provide for the establishment of new ones, and to prevent all interments within the bounds of the corporation, except in such cemeteries.

25. To keep the roads, avenues, streets, lanes, public buildings and public places of the village in good repair, order and condition; to construct sewers, culverts and drains; to make and repair all bridges which may be necessary within the bounds of the village; to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks; to pave, plank or flag roads, streets, cross walks or side-walks, lay out and open new roads and streets, to widen, alter and change the grade or otherwise improve roads, avenues, streets, lanes and sidewalks; to drain stagnant waters, and to raise or fill up low grounds, if nuisances, at the expense of the persons benefited, and to regulate the water courses, ponds and watering places in the village.

26. To prevent and punish the discharge of fire arms, rockets, gunpowder and fireworks in the roads, avenues, lanes, streets and public places of the village, or in the vicinity of any building therein.

27. The board of trustees shall have power to make and establish all legal by-laws, rules and ordinances necessary to carry out the purpose of this act, print and pay for the same, and to enforce such by-laws, rules and

ordinances, and to pay the expenses of such enforcement out of the corporate funds. The trustees shall also have power to prescribe penalties for a violation thereof, not exceeding one hundred dollars for each offense, but all such by-laws, rules and ordinances shall be posted in three public places in the village ten days before they shall take effect.

§ 4. The trustees shall have power to compel the owners and occupants of lands or lots in front of and adjoining which a sidewalk is to be made or repaired, to make such improvements upon the sidewalks in front of said land or lot, to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality or kind of such materials, and in case the owner or owners, occupant or occupants, of any such land or lot shall neglect or refuse to complete the said required improvements within such reasonable time as shall be required by the trustees, the said trustees may cause such improvement to be made or completed, and the expense thereof may be by them assessed on such owner or owners so neglecting or refusing, and be collected by warrant issued by the president and trustees as other taxes are directed to be collected by this act; and in case such tax or assessment shall not be paid or collected, the trustees may cause such real estate to be leased or the owner thereof to be sued, for payment and collection of such tax, and the cost and expense arising from non-payment, in the manner and with the effect, and subject to the provisions, of this act in regard to the collection of taxes and assessments, by leasing of real estate, or by action at law against the person liable.

§ 5. The trustees are authorized and empowered to organize a fire department, and provide for the government and discipline of the same, to consist of one or more engine companies, one or more hook and ladder companies, one or more hose companies; to appoint a sufficient number of suitable persons as members, not

exceeding sixty to each engine company, and not exceeding twenty to each hose and hook and ladder company, with the consent of the persons appointed. A foreman and assistant foreman for each company shall be chosen by the members of each company in the manner to be directed by the trustees, and subject to their approval and ratification.

§ 6. Every member of the fire department, while such member, shall be exempt from serving in the militia, except in cases of war, invasion and insurrection, and every person who shall serve in such fire department five successive years shall thereafter be entitled to the like exemption from military service, and a certificate of such service, authenticated by the president of the village and the corporate seal, shall be presumptive evidence before all courts and officers, civil and military, of such exemption.

§ 7. The chief engineer of the fire department, and, in his absence, the senior assistant engineer, shall have the direction and control of the department, subject to such regulations as shall be prescribed by the trustees.

§ 8. The trustees may, and it shall be their duty to, take precautionary measures to guard the public health in times of infectious and pestilential diseases, and to provide against them when they appear in the village, by providing places for the removal of persons having such diseases from the populous parts of the village, and to pay the expenses incident to such removal, and they shall have the power to remove such persons; and they shall have the power to appoint one or more health commissioners, who, with the president, shall constitute a board of health of the village; and such board of health shall possess the powers conferred by, and be subject to the provisions of, the act of the Legislature of the State of New York, entitled "An act for the preservation of the public health," passed April tenth, eighteen hundred and

fifty, and acts amendatory thereof, in addition to the powers which may be given under this act.

§ 9. The trustees shall have the auditing of all accounts and claims against the village, and no account or claim shall be paid unless allowed by them, or after judgment obtained thereon. When an account or claim shall be audited by them, the trustees auditing the same shall cause to be indorsed thereon, or annexed thereto, a certificate, signed by the president and countersigned by the clerk of the village, of such auditing and allowing or disallowing the same, in which the sum allowed and the fund out of which the same is to be paid shall be specified.

§ 10. No such account or claim shall be allowed by trustees unless it shall be made out in items and accompanied by the affidavit of the person claiming to have rendered the services, or furnished the materials, or made the disbursements therein charged, that the items of such account or claim are correct as to the service, materials and disbursements mentioned; that such services and materials were rendered and furnished and disbursement made for the corporation, and no part of such claim has been paid. The claimant may be examined on oath by the trustees in relation to said claim and the items thereof. Nothing herein shall be construed as preventing the trustees from disallowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

§ 11. The trustees shall present to every annual meeting of electors of the village a detailed statement of expenditures for the past year, and of the estimated ordinary expenditures of such village for the ensuing year, to meet which taxes may be lawfully raised, specifying each item of anticipated expense, which statement shall be signed by them and filed with the clerk.

§ 12. The trustees are empowered to give names to the roads, lanes, streets, avenues and public places in the village.

§ 13. The trustees, or a majority of them, shall act as assessors of the village, or may appoint of their number a committee for the purpose, and the trustees so acting as assessors shall have the powers of town assessors, and be subject to the laws applicable to the same, subject to the provisions of this act.

§ 14. The board of trustees shall cause a map to be made of such village, and cause all new public roads, avenues, streets and lanes in the village to be surveyed and described, and a description thereof recorded in a book to be kept by the clerk for that purpose. The map so made shall be kept by the clerk.

§ 15. The board of trustees shall have power to provide a suitable room for holding their meetings, and proper cases and books for the clerk to preserve the records and papers of the corporation.

§ 16. The trustees shall have power to raise by assessment and tax, money for the expenditures required by the provisions of this act and the proceedings had thereunder, and may assess and collect a poll tax of one dollar on each male resident in the village between the ages of twenty-one and sixty years.

TITLE IV.

SECTION 1. The expenditures of the village shall be denominated "ordinary expenditures" and extraordinary expenditures."

§ 2. "Ordinary expenditures" shall be those necessarily incurred to carry out and enforce the rules, by-laws and ordinances which the trustees are authorized to adopt by title three of this act, and to give force to the powers therein conferred, except as such expenditures

may be specifically enlarged, or deminished, or controlled by other provisions of this act.

§ 3. No ordinary expenditure for any one specific act, object or purpose, or thing, shall exceed the sum of five hundred dollars.

§ 4. The trustees shall have power to raise money for an extraordinary expenditure for any purpose by assessment and tax, by submitting a resolution, stating the amount to be raised and the specific object for which, to the annual election, or to a special election, of the legal electors entitled to vote on such questions, to be held as in this act directed. The trustees shall have power to appoint such special election, designating time and place. If the majority of the ballots cast have on them the word "Yes," then the trustees may raise the amount voted.

§ 5. When extraordinary expenditures shall be necessary, in the judgment of the trustees, they shall have power to pass a resolution or resolutions to be entered in the records of their proceedings, specifying the object and the amount required. No resolution shall express more than one object, and the amount required for the same. If more than one such resolution is submitted at the same election, whether an annual or special election, such resolutions shall be numbered respectively one, two, three, up to the number of the resolutions submitted, and the ballots used at such election shall be as many as the resolutions submitted, and have thereon the words "Resolution number one," or "Resolution number two," or "Resolution number three," up to the number of the resolutions, with the word "Yes," or the word "No." Ten days notice of such election, whether an annual or special election, shall be given by the clerk by posting notices in six public places in the village, stating time and place and object of election, and copying resolution or resolutions. The same inspectors shall preside at,

and the same provisions apply to, such election, as are provided for in this act, for all village elections held after the first election of officers of the village. If the majority of the ballots cast have thereon the word "Yes" for any resolution, such resolution shall be adopted. The return of the inspectors shall set forth each resolution voted on, and attached thereto a statement containing the number of ballots with "Yes" or with "No," received for such resolution. The inspectors presiding at such election shall file their return of such election with the village clerk within ten days after such election.

§ 6. In addition to the amount raised by the trustees for "ordinary expenditures," the trustees shall have power, in any one year, in addition to the poll tax, to raise by tax such sum as they may deem necessary, not exceeding in any one year the amount of one per cent, on the assessed valuation of such village, to be denominated a highway tax, to work and improve the roads, avenues, streets, lanes and cross-walks of said village, on all persons and incorporated companies owning property and estate, real and personal, in said village, to be assessed and collected as all other taxes are by the provisions of this act. The money so raised, with the proceeds of the poll tax, shall be devoted to the purposes expressed in this section, and kept apart as a separate and distinct fund by the treasurer.

TITLE V.

SECTION 1. It shall be the duty of the president of the board of trustees to see that the by-laws, rules and ordinances of the village, and the provisions of this act, are enforced, and to recommend to the board such measures as he may think necessary; and, as head of the police of the village, he shall maintain peace and good order, and have the power of arrest for such purpose. If the president shall be unable to perform the duties of his office, the board of trustees shall appoint

one of their number to preside at their meetings, and he shall be vested with all the powers and perform all the duties of the president of the village until the president shall resume his office or the vacancy shall be filled according to law.

§ 2. The trustees shall receive all moneys belonging to the village, and keep an accurate account of all the receipts and expenditures. All money shall be drawn from the treasury, in pursuance of an order of the board of trustees, by warrant, signed by the president or the presiding officer of the board, and countersigned by the clerk. The books and entries of the treasurer, and the order or check book of the clerk, shall be open for inspection by any elector of the village, at all reasonable hours. The treasurer shall exhibit to the board of trustees, at least fifteen days before the annual election in each year, a full account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the clerk. The treasurer shall keep separate accounts of the moneys received and paid out for "ordinary expenditures," and "extraordinary expenditures," and on account of the highway tax.

§ 3. Any justice of the peace, of the town or towns in which such village shall be located, shall have jurisdiction in all criminal cases that may arise within the bounds of the village, with the same powers, and subject to the duties and liabilities, as a justice of the peace in other cases. He shall also have jurisdiction in all actions brought to recover fines or penalties for the violation of any provision of this act, and of the rules, by-laws and ordinances of the village, or to recover any tax or assessment levied by the village, and his proceedings and judgments may be reviewed in the same manner as is or shall be provided by law in cases of judgments and proceedings of the justices of the peace. Said justice

shall receive the same fees and compensation as is provided by law for similar services. The fees and compensation of such justice shall be audited and paid, and collected in the same manner as the fees of justices of the peace for similar services. All fines recovered by him in suits for the violation of the provisions of this act, or the by-laws, rules and ordinances of the corporation, shall be paid over to the treasurer of the village upon their receipt by such justice. In such last-mentioned suits, if judgment is entered, the said justice shall award costs, including witness fees and other legal disbursements, to the successful party, to the same amount as a justice of the peace could in civil actions or proceedings before him.

§ 4. The person appointed police constable shall have the powers and be subject to the same duties in criminal and civil cases, cognizable by such justice, as constables of towns, and shall be chief of the police force of the village, subject to the directions and orders of the president. He shall have the power, and it shall be his duty to keep order in all public places in the village; to arrest persons concerned in riotous or noisy assemblages or who are breaking the peace, or violating this act, or the by-laws, rules or ordinances of the village, arrest them, and forthwith convey them before the proper authority, to be dealt with according to law, and to keep and retain such persons in custody until committed or discharged. Said police constable shall have power to execute any warrant or process issued by justices of the peace of the county in which such village is situated. The said police constable shall be paid for his services the same compensation, to be audited and allowed in the same manner, as town constables for similar services, and also such extra annual salary, as chief of police, as the board of trustees may direct.

§ 5. The collector shall collect and receive all taxes

and assessments, for which the warrant of the board of trustees, subscribed by the president and countersigned by the clerk, shall be delivered to him, and within the time specified in such warrant, and shall pay the same into the hands of the treasurer without delay, and take receipts for the same, and make return to the clerk of the amount of taxes collected by him and paid over to the treasurer, and of taxes unpaid. The collector shall give a receipt to the clerk for the warrant and tax or assessment roll delivered to him on his receiving the same.

§ 6. After receiving the tax roll the collector shall post notices in five public places in the village twelve days before the last one of the three days specified in the notice, stating that he will attend at a convenient place, specified in the notice, in the village, on the three days specified, within fifteen days from date of notice, for the purpose of receiving payment of taxes; and he shall attend at such times and places accordingly. Any person or corporation paying any tax or assessment, within fifteen days from date of notice, shall be charged with one per cent thereon for the fees of the collector, and no more. After the expiration of the fifteen days, the collector shall collect the taxes or assessments unpaid, with five per cent thereon for his fees, in the same manner as is now provided by law for the collection of town and county taxes, and with like power and authority as collectors of taxes of towns.

TITLE VI.

SECTION 1. The trustees, whose duty it shall be by this act to act as assessors, must, within sixty days after the annual meeting, proceed and assess, upon the taxable inhabitants and corporation and property liable to assessment and taxation within the village, such sum as they may deem necessary, besides funds

received and estimated to be received from other sources, to defray the ordinary expenditures of the village for the current year, not to exceed the amount fixed for that purpose in the detailed statement of the trustees presented at the annual meeting; also any sum directed at an annual election, to be raised as an extraordinary expenditure for a special purpose for that year; also the amount to be raised as a highway tax, and also the poll tax.

§ 2. They shall also, within twenty days after an extraordinary expenditure shall have been voted by the legal electors at a special election, proceed to assess the amount in the matter herein directed as to ordinary expenditures.

§ 3. The persons acting as assessors shall, on completing the assessment roll, give ten days notice, by posting notices in five public places in the village, stating that they will, in the village at a place and time stated, meet to hear and determine all complaints as to such roll. They shall have power and authority at such time to correct such roll as to them shall seem necessary. After the roll shall have been thus submitted, and corrected if necessary, they shall file the same and a copy thereof with the clerk of the village.

§ 4. The tax roll, when completed, shall be immediately delivered by the clerk to the collector, with a warrant thereunto annexed, signed by the president and countersigned by the clerk, commanding him to collect the taxes therein specified, with his fees, and return said warrant and roll within sixty days after the date of the warrant unless the time shall be extended. The board of trustees may extend the time for the return of such warrant thirty days beyond the first sixty days, and such extension shall in no event affect the validity of the bond given by the collector and his sureties.

§ 5. All taxes or assessments which shall remain unpaid for the thirty days after the final return of said

warrant shall bear interest at the rate of twelve per cent per annum from and after the date of such return, and shall be collected, as directed herein, either by the sale of the estate assessed, as herein provided, or by suit against the party liable to pay such assessment or tax.

§ 6. When any person whose property or estate shall be assessed or taxed shall fail to pay the tax or assessment, and the collector cannot collect the same, and shall make return thereof, the trustees shall cause the estate so assessed to be sold at auction, for a term of time for the payment of such tax or assessment, giving four weeks notice of such sale, by putting up notices in five public places in the village and serving personal notice on the owner or agent of said estate, if a resident of such village, or on the occupant thereof, and by depositing such notice in the post-office directed to such owner, if a non-resident, at his reputed place of residence, if known, at least ten days before the day of sale, and the same shall be sold to the person who shall take it for the shortest time for the payment of such tax or assessment, with interest at seven per cent, and the expense of such notice and sale. Before the time of sale the party liable for the tax, or his representative, may avoid the sale by paying the tax to the treasurer, with twelve per cent interest thereon and expense of notice and sale.

§ 7. At any time within a year after such sale the owner or owners of the estate, or their representatives, may redeem the same, by paying to the purchaser thereof (if he shall have paid the tax and interest, and expense of sale,) the tax, expenses, and interest thereon at twelve per cent per annum from the date of the payment by the purchaser; in case the purchaser has not so paid them, by paying to the treasurer of the village the tax, expense of sale, and interest at twelve per cent per annum from the time the tax was returned unpaid, and notifying the

clerk of such payment. If such tax, expenses and interest are not paid within one year from the date of sale, then the trustees shall deliver to the purchaser of the estate a certificate of such sale, under the seal of the corporation and signed by the president, the execution of which may be acknowledged or proved as a deed, and upon the receipt of such certificate the purchaser may proceed to serve upon the holder or owner of any lien upon such estate, or any part thereof notices in writing of such sale, and that, unless redeemed within six months from the time of such service of notice, such certificate may be recorded in like manner and with like effect as in case of other conveyances of real estate. Such certificate shall be presumptive evidence of the statements contained in all courts and places, actions and proceeding.

§ 8. The purchaser receiving such certificate, or his representatives, may, in case the land is not redeemed as herein provided, enter into and occupy the same during the term for which it was sold, and shall be at liberty, within the term aforesaid, to remove all the buildings and materials which he may erect or place thereon.

§ 9. In case the collector shall return that a tax or assessment on any estate is unpaid, and he is unable to collect the same, the trustees are authorized and empowered, after the lapse of thirty days after the date of such return, to prosecute a civil action against the owner or owners of such estate in the corporate name of the village, and recover judgment for such tax, with twelve per cent interest thereon, and all necessary costs and expenses of said action; said trustees may cause a transcript of such judgment to be filed and said judgment docketed in the county clerk's office of the county wherein the village is situated, and the same, however small the amount, shall thereupon become a judgment of the county court, and be a lien on all real estate of

the judgment debtor situate in the county where said judgment is docketed ; and such real estate may be sold on execution issued to the sheriff of the county where the judgment is docketed, if not collected out of the personal property of the debtor, in the manner provided by law ; and all the provisions of the law in reference to sale and redemption of real estate on execution shall apply to sales and redemptions under this act.

TITLE VII.

SECTION 1. A village incorporated under this act shall constitute a separate highway district within its corporate limits, exempt from the superintendence of any one except the board of trustees, who shall be commissioners of highways in and for such village, and shall have all the powers of commissioners of highways of towns in this state, subject to this act, and, as such, they shall have power to discontinue, lay out, open, widen, alter, change the grade, or otherwise improve roads, avenues, streets, lanes, cross-walks and sidewalks ; and for that purpose may take and appropriate any land in said village ; but no road, avenue, street, lane or sidewalk shall be opened or altered, unless all claims for damages on account of such opening or altering shall be released without remuneration, except on the written petition of at least ten freeholders residing in said village, which petition shall specify the improvement to be made, describe the land to be taken, state the owner or owners thereof, when known, and shall be filed in the office of the clerk of the village. On the presentation of such petition the trustees shall and must meet and examine the same ; and, if they decide the improvement shall be made, they shall so decide by resolution to be entered in the minutes of the board ; and they shall thereupon put, up in five public places in said village a correct description of the lands to be taken to make such improvement,

and a notice that the trustees, at a place and on a day and at an hour therein specified, not less than five days from the date and posting thereof, will meet and hear any objections that may be made to the taking of such land, or making such improvement; a copy of*which notice must be served on the owner or owners of such land at least five days before said meeting, unless said owner is a non-resident of such village; in which case, said notice and description must be deposited in said village post-office, directed to said owner at least twenty days before such meeting. Any person interested may be heard and introduce testimony before the board of trustees as to the matter, on the day specified in the notice, or on such other day as the board may appoint. After such hearing, the trustees may deny the petition, or approve and declare by resolution, to be entered in their minutes, their intention to make the said improvements, and proceed to obtain possession of the land described in the manner provided by this act.

§ 2. When any road, avenue, street, lane or sidewalk is opened or altered, the damages claimed by reason thereof may be determined by agreement between the board of trustees and the persons claiming such damages, but in case the damages are not so determined or released, the board shall, on being notified by the president as in case of a special meeting or at a regular meeting, meet and cause a jury of six freeholders to be summoned to determine and award said damages. Five days' notice of the time and place of such meeting shall be given to the owner or owners of such lands, if residents of the village, and if not such residents, then notice shall be sent, ten days before such meeting, by mail, directed to the place of residence, if known, of each of such non-residents; the jury shall be sworn to faithfully and impartially execute their duty; shall examine the premises, hear the proofs and allegations of

the parties, and reduce the testimony to writing, if any is taken; and they shall determine and award to the owner or owners of such lands such damages as they will sustain by the proposed alteration or improvement, after making allowance for any benefit which the said owner or owners may derive therefrom. The determination and award of the jury shall be signed by them and filed in the office of the village clerk, and a copy served on the persons entitled to such award. If no appeal is made within twenty days from the time of such service, the determination and award of such jury shall be final and conclusive on all persons interested. A copy of such award, certified by the clerk under the seal of the village, shall be evidence of the same in all courts and places and all actions and proceedings.

§ 3. No trustee who is interested in any lands taken for such alteration or improvement shall act with the trustees when sitting as a board to determine the damages, or to summon the jury to award damages, for taking such land.

§ 4 Any person interested therein may, within twenty days after notice of the award of the jury, appeal from such award by petition to the county judge of the county where such village is situated, praying for the appointment of three commissioners, residing in said county, to review said award of said jury. The person appealing shall execute a bond to the village in its corporate name in the penal sum of two hundred and fifty dollars, with two sureties who shall justify in twice the amount, conditioned for the payment of the fees of the said commissioner and costs of appeal, in case the award of the jury shall not be increased twenty dollars by said commissioners to each party appealing. Filing such bond with and serving a copy of said petition, with a notice of the time when and place where the same will be presented to the said judge, or the village clerk, shall operate as a

stay of proceedings until the decision of the commissioners thereon. All persons appealing from the award of the jury for damages, as to one single and continuous alteration or improvement, shall join in one petition, and may execute a joint and several bond in two hundred and fifty dollars, with sureties and conditioned as hereinbefore mentioned, and there shall be but one board of three commissioners appointed to review the award of such jury. At the time mentioned in the notice, and when the commissioners are appointed, any person may be heard in the matter. The said judge shall, on hearing the parties, appoint three disinterested electors as commissioners, residing in said county, but not in the village, to review the award of said jury, and determine and award the damages of the person or persons appealing. Immediate notice shall be given by some of the persons appealing to the persons designated as commissioners, and if any one declines or is disqualified, the judge shall appoint some disinterested person, an elector residing in said county but not in the village, to fill the vacancy. Said commissioners shall meet at such village within ten days after being notified of their appointment. They shall give the president of the village five days' notice of the time and place of their meeting, shall be sworn to do their duty, shall have power to compel attendance of witnesses by subpoena, shall examine the premises and hear the proofs and allegations of the parties, and shall award such damages to the parties appealing as they shall deem just. The award of the commissioners shall be signed by them and be returned to the president of the village within fifteen days after the first meeting of the commissioners, and shall be filed with the clerk. Said award shall be final and conclusive on all persons interested, and the board of trustees may thereupon take possession of the land and make the said alteration or improvement. On declaring the award the commissioners shall each be paid by the treasurer of the village

three dollars per day for their services, and the amount so paid shall be collected by suit, if not otherwise paid, with other proper expenditures made by and for the village in and about such appeal, on the bond referred to in this section, given by the person or persons appealing, in case the person or persons appealing are liable to pay the costs of the appeal under the provisions of this act. In all cases of appeal under this section, the judge to whom the appeal is made shall, by order, appoint guardians for any infant, lunatic or idiot interested in said proceedings.

§ 5 Whenever a final award is made for damages sustained by reason of making such alteration or improvement, the persons acting as assessors may, within twenty days thereafter, assess the amount of such damages upon the estates, real and personal, in said village, and make out an assessment roll of such damages, which assessment roll shall be signed by the president and filed with the clerk and be collected in the same manner as the annual tax is collected, and the trustees shall, within one year from the time of such final award, pay or tender the amount of such damages to the persons to whom the same shall have been awarded ; and in case such owner shall refuse the same, or be unknown, or a non-resident of said village, idiot or lunatic, or the rights and interests of proclaiming the same shall be doubtful, it shall in such cases be lawful for the board of trustees to pay the amount of such damages to the county treasurer of the county where said lands are situated, for the benefit of such person or persons as may be entitled to the same, accompanied by a statement of the facts under which such payment was made. The board of trustees shall cause the clerk of said village to make an entry in the village records of the money deposited, stating amount, with the names of the parties by the awards declared to be entitled to the same. On the proper

person or persons being ascertained, who are entitled to receive such money, the president of the village is authorized to draw an order on said county treasurer, countersigned by the clerk, and payable to the order of the person or persons entitled to such money, for the amount due such person or persons.

TITLE VIII.

SECTION 1. At any election held in such village the inspectors presiding shall have the powers of town boards at the election of town officers; and all the laws applicable to such elections shall apply to any election held under this act, and the proceedings of the same, so far as applicable and not inconsistent with this act. The inspectors shall be subject to the provisions of this act as to elections.

§ 2. The certificate of the inspectors of election presiding at the first or second election at which the question of incorporating the village was decided affirmatively, or a copy of the same, certified, by the county clerk of the county in whose office it shall be filed and recorded, with his seal of office, shall be final and conclusive proof of the incorporation of such village and the regularity thereof, in all courts and places, and in all actions and proceedings, except in case of an appeal from the election as hereinbefore provided.

§ 3. The inspectors presiding at any election in the village, excepting one relating to the incorporation of the village, shall file their certificate of election within ten days after such election, with the village clerk, and such certificate, or a copy thereof certified by such clerk, with the seal of the corporation attached, shall be presumptive evidence of the truth of the statement set forth in such certificate, and of the validity of such election, in all courts and places, actions and proceedings.

§ 4. All conveyances by the village shall be in its

corporate name, and be executed by the president thereof, authorized by resolution of the board of trustees, with the corporate seal annexed.

§ 5. The return of any tax or assessment by the collector to the village clerk as unpaid, or a copy of the same certified by said clerk, with the corporate seal attached shall be presumptive evidence of the truth of the statements in such return, in all courts and places, and in all actions and proceedings. And any assessment roll filed with the clerk, or a copy of the same certified by him, with the corporate seal attached, shall be presumptive evidence of the contents thereof and regularity of such assessment, in all courts and places, actions and proceedings, and of the right to levy any tax or make any assessment therein mentioned.

§ 6. All actions brought to recover any penalty or forfeiture under this act, or under the rules, by-laws, and ordinances made in pursuance of it, shall be brought in the corporate name of the village, and in such action it shall be lawful to declare or complain generally for such penalty or forfeiture, stating the section of this act, or rule, by-law or ordinance under which the penalty or forfeiture is claimed, and briefly setting forth the violation thereof for which the complaint is made.

§ 7. The first process in any suit brought by the village for a penalty under this act, or a rule, by-law or ordinance adopted by the board of trustees in pursuance of said act, shall be a summons or warrant. If the defendant in such action has no property, personal or real, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the county jail of the county in which the village is situated, for a term not exceeding ten days.

§ 8. The affidavit of the party publishing or posting any notice required to be posted or published by the provisions of this act, or by any rule, by-law or ordinance

made in pursuance thereof, of such posting or publishing, shall be deemed presumptive evidence thereof in all courts and places in all actions and proceedings.

§ 9. In actions brought by or against the village, it shall not be an objection against the person acting as justice or juror in any such action, that he is a resident of the village or subject to taxation therein.

§ 10. Money cannot be borrowed on the credit of nor can any debt be created in behalf of, the village, payable at a future time; nor can any debt or liability be incurred by the village, except for ordinary expenditures of the village or highway purposes within the income of the current year, for the ordinary expenditures or highway purposes applicable to such purposes. When the raising of any money for a special purpose as an extraordinary expenditure, as provided in this act, has been voted, the amount may be borrowed, or a liability by contract for the special purpose may be incurred, not exceeding the expense incurred, until the amount can be raised by a tax as herein provided.

§ 11. Any officer or person who shall assume to create a liability or appropriate any money or property of the village, contrary to the provisions of this act, or shall assent thereunto, shall be personally liable for such debt or liability, and to the village for such money or property; and each of the trustees present when such violation shall have been committed, shall be deemed to have assented thereunto unless he shall express his dissent and request the same to be entered upon the record of proceedings. Any willful violation of this section shall also be a misdemeanor.

§ 12. No member of the board of trustees shall be interested in any contract to which the village shall be a party

§ 13. The board of trustees shall cause to be kept a record of its proceedings; all votes shall be taken by

ayes and noes, when required by one of the trustees, and shall be entered in such record, and such record shall contain the names of the members of the board present and voting on any question, and the affirmative and negative votes of the members so voting.

§ 14. When any person complained against as a vagrant, disorderly person, riotous person, or person keeping a disorderly house or a house of ill fame or assignation or prostitution, under the provisions of this act, or any rule, by-law or ordinance made in reference to such persons under this act, shall be brought before an officer having jurisdiction of such matter, he shall, unless the offense complained of be indictable at common law, proceed forthwith to hear, try and determine the complaint against the person, as provided by law for the offense on which such person is arrested, or such officer may in his discretion adjourn the hearing on cause shown, not to exceed five days, and in the mean time commit the offender to the village lock-up or place of confinement or county jail, until such day, or suffer him or her to go at large on executing a bond approved by said officer, conditioned that he or she will appear on the adjourned day, when trial shall be had.

§ 15. In case any person having been an officer of the village, shall refuse or neglect to deliver to his successor in office, within ten days after notification and request, all the money, books, papers, records, property and effects of every description in his possession or under his control belonging to such village or appertaining to his office, he shall forfeit and pay for the use of the village the sum of twenty-five dollars for each and every day he shall so neglect or refuse, and also all damages caused by such refusal or neglect, to be recovered, by suit by such village.

§ 16. Every ordinance, by-law, rule, resolution or proceeding of the board of trustees may be read and

received in evidence in all courts of justice and in all places, and in all actions or proceedings, either from the original record, kept by the clerk of said village, or from a copy of such ordinance, by-law, rule, resolution or proceeding, certified under the corporate seal by the clerk, or from any printed volume containing such ordinance, by-law, rule, resolution, or proceeding, with the certificate of the clerk that such volume contains a correct copy of such ordinance, by-law, rule, resolution or proceeding, and that the same was printed under authority of the board of trustees.

§ 17. The term "vagrants," as used in this act, comprises the persons described in part one, chapter twenty, title two, section one of the Revised Statutes.

§ 18. All persons found intoxicated in the streets of the village, or persons who shall be guilty of noisy, riotous or tumultuous conduct, disturb the quiet and peace of the village or of any meeting or assembly therein; all persons who shall willfully give a false alarm of fire; all persons who shall publicly use any profane, vulgar or obscene language or conduct in any street or public place in said village; all persons who shall willfully and maliciously break, mar, injure, remove or deface, any building, fence, awning, sign, signboard, tree, shrubbery or other ornamental thing in said village; all persons who shall remove from or pile up before any door or on any sidewalk or street, boxes, casks or other things for the purpose of annoyance or mischief, or who shall willfully tear down, destroy or mutilate any notice or handbill lawfully posted up in said village; all persons who shall incite or induce dogs to fight in any of the streets or public places in said village; all persons, who, at the time of any fire in said village, shall be guilty of any insubordination or of any disorderly conduct, or who shall attempt to obstruct the operations of the fire department, or shall willfully neglect or refuse to obey, or

attempt to prevent or obstruct the execution of, the orders of the trustees or officers of the fire department, shall be deemed and are hereby declared to be disorderly persons under this act, and under any rule, by-law or ordinance adopted in pursuance thereof for the punishment of disorderly persons.

§ 19. Any trustee or any police constable is hereby authorized to arrest any vagrant or disorderly person, with or without process, and take him or her forthwith before the proper officer. If such officer cannot be found, the persons arresting may detain the person arrested, not to exceed twenty-four hours, until the proper officer to try such person is found.

§ 20. Every assessment made by the persons acting as assessors of the village shall be and remain a lien on the lot or lands assessed, in the same manner, and to the same effect, as town and county taxes, from the time of filing the assessment roll as herein directed, until paid or otherwise satisfied.

§ 21. No person shall hold at the same time more than one of the offices created by this act, unless otherwise provided herein.

§ 22. Whenever any real estate in said village is owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons shall be sufficient notice to all and for any purpose requiring a notice under this act, and whenever said owners reside out of the village it shall be sufficient to serve such notice on the occupant or lessee of such real estate, except as herein otherwise provided.

§ 23. All resignations of any officers under this act, shall be made to the trustees, subject to their acceptance.

§ 24. If, at the end of the financial year, there shall be a surplus of funds with the corporation, over and

above the expenses of the year, such surplus shall be applied to the next year's expenses.

§ 25. If a town meeting shall occur on the day appointed for the election of village officers by this act, in the town in which the village or any part thereof shall be situated, then such village election shall be held on the Wednesday next after the Tuesday appointed by this act, for such village election.

§ 26. The president and trustees of the village shall not receive any compensation for their services as such.

§ 27. Nothing in this act giving the board of trustees of a village power to make and repair bridges within the village bounds, or making them commissioners of highways, or making the territory of the village a separate highway district, subject to the board of trustees alone, shall be construed as divesting the commissioners of highways for any town in which a bridge may be located, of power or control over the same, or as relieving such town from the expense of constructing or repairing any bridge within its bounds, though such bridge may be within the territorial limits of the village incorporated under this act. In case the board of trustees of any village so incorporated shall think proper to construct or repair, and shall construct or repair, any bridge within the corporate limits, then the expense of such work shall be a charge on the taxable property of the village, and be paid out of the corporate funds.

§ 28. The provisions of this act shall be applicable only to villages incorporated under it.

§ 29. The board of trustees of any village incorporated under this act are authorized to determine the expense of effecting the incorporation, and pay the same out of the corporate funds.

§ 30. Any village heretofore incorporated may become a corporation under the provisions of this act, and

possess the powers given thereby, by a vote in favor thereof, at any annual or special election. Such vote shall be taken on a resolution adopted by the board of trustees, submitting the question of incorporation under this act to the qualified electors of the village. All persons being qualified to vote at an election in such village may vote at such election. Notice shall be given of such election by the trustees setting out the resolution to be voted on, as is required to be given by this act in regard to special elections for extraordinary expenditures. If, at such election, the majority of the ballots cast shall have thereupon the word "yes," then the village shall become and be incorporated under this act, and shall succeed to and possess all the property, rights of property, and the rights of action existing at the time of incorporation under this act in favor of such village; and all actions, proceedings and suits then existing on the part of such village, or against the village, or rights of action against such village then existing, shall, after such vote, be unaffected thereby, and be subject to the provisions of law under which they originated. The persons who had before presided at elections for village officers in such village, or a majority of them, shall preside at the election directed in this section, and shall count the ballots and declare the result forthwith, and make return, setting out the resolution voted on, the notice of election, and the number of ballots cast with "yes" or with "no" thereon, and shall file such return with the clerk of the county in which the village is located, within ten days after the election, and verify such return with the oath of the inspectors. Such return, or a copy thereof, certified by such county clerk with his official seal, shall be final and conclusive evidence of such incorporation, and the regularity thereof, in all courts and places, and in all actions and proceedings.

§ 31. The county clerk shall record all returns of

inspectors of elections for the incorporation of villages held under this act in the records for the recording of deeds, or in a book to be specially provided for that purpose. For the recording of such certificates, the county clerk shall be paid the fees legally chargeable for the recording of deeds.

§ 32. All other general acts and laws in this State for the general incorporation of villages are hereby repealed, as to the future incorporation of villages. In case there shall be any village which has been incorporated under a general act or acts for that purpose, such act or acts shall continue to be of effect as to such villages so incorporated, until they may become incorporated under this act; and after their becoming so incorporated, shall cease to be operative as to such village, except as controlled by the provisions of this act.

§ 33. The boards of supervisors of the several counties are hereby authorized and empowered to extend the boundaries of any incorporated village within their respective counties, upon the petition of the president and board of trustees of such village, by a vote of a majority of all the supervisors elected, to be taken by yeas and nays, provided that no act, ordinance or resolution for such purpose shall be valid and operative, unless it shall receive the affirmative vote of the supervisor of the town or towns from which the additional territory is to be taken in which such village is situated, and of the supervisor or supervisors, if any, of such village.

§ 34. This act is hereby declared to be, and shall be, a public act.

§ 35. This act shall take effect immediately.

unpersons of election for the position of village
 shall make this act in the records for the recording of
 their names in a book to be specially provided for that
 purpose. For the recording of all certificates the
 county clerk shall be held to be legally responsible for
 the recording of them.

§ 11. The county clerk shall not add names to the list of
 the general incorporation of villages being returned
 as to the issue of incorporation of villages. In case there
 shall be any village which has been incorporated under an
 general act or act for that purpose and has not been
 continued in its status as a village village so incorpo-
 rated shall not be considered incorporated under the act
 and after that becomes so incorporated shall cease to
 be operated as a village village as contained in
 the provisions of this act.

§ 12. The board of supervisors of the several counties
 and hereby authorized and empowered to extend the
 boundaries of any incorporated village within their re-
 spective counties upon the petition of the resident
 board of trustees of such village by a vote of a majority
 of all the supervisors elected to be taken by law and
 have provided that no act, ordinance or resolution for
 such purpose shall be valid and operative unless it shall
 recite the affirmative vote of the majority of the board
 of supervisors which the additional territory is to be
 taken in which such village is situated and of the super-
 visors of each county if any of such village.

§ 13. This act is hereby declared to be and shall be
 a public act. It shall be effective immediately.

§ 14. This act shall be effective immediately.

§ 15. The board of supervisors of each county shall
 cause to be printed and published a copy of this act
 and shall cause to be printed and published a copy of the
 act in each county.

By-Laws and Ordinances

—OF—

“The Village of Fayetteville.”



AT A MEETING of the President and Trustees of
“The Village of Fayetteville,” held at the office of the
Clerk on Monday, the first day of May, A. D., 1871,
Present :

HENRY L. BEARD, President.	
MYRON BANGS,	} Trustees.
LEVI SNELL,	
LEROY WICKHAM,	

N. R. CHAPMAN, Clerk.

The following By-Laws and Ordinances were adopted
by the following Resolution, to wit :

RESOLVED, That the following Sections are hereby declared to be, are, and shall be, the By-Laws and Ordinances of “The Village of Fayetteville;” and any person or persons who shall be guilty of any of the offences or violations hereinafter named shall be subject to the fines and penalties hereinafter prescribed for such offences and violations :

POWERS AND DUTIES OF OFFICERS.

§ 1. The Powers and Duties of all Officers elected and appointed, in, and for said Village, shall be those prescribed by Chap. 291 of the Session Laws of 1870, entitled "An act for the Incorporation of Villages," passed April 20, 1870; with the following additions: and all such Officers shall hold over until new ones are elected, or appointed, and thereafter qualified.

THE BOARD OF TRUSTEES.

§ 2. The President and Trustees of the Village, when acting together in their official capacity, shall be known as "The Board of Trustees" of said Village; and they shall organize each year, by meeting together shortly after their election, and appointing some person as Clerk; and shall exercise all of the powers and discharge all of the duties conferred by Law.

THE CLERK.

§ 3. It shall be the duty of the Clerk:

1. To methodically arrange, safely keep and preserve all maps, surveys, books, deeds, vouchers and other papers belonging to the Village or relating to its affairs which now are, or hereafter may come into his possession, as such Clerk; and to indorse on all papers which he may file in his office, the time of filing the same.

2. To enter in the Books of minutes, the proceedings of all annual elections, and all special elections and Village meetings; an abstract of each annual report of the Board of Trustees; the proceedings of said Board at each meeting, and all By-Laws, Ordinances and Resolutions, at any time passed by the said Board.

3. To notify all persons elected or appointed to any office or place, of such election or appointment; and procure their acceptance (if they will accept,) within ten days after their election or appointment; and to notify

the Board at their next meeting of any neglect or refusal to accept of such office.

4. To indorse on all Bills and Claims allowed by the Board of Trustees, "Audited," and the amount allowed, and time of auditing thereof; and to draw all orders on the Treasurer, which orders shall be signed by the President and countersigned by the Clerk.

5. To Cause every By-Law and Ordinance which may be passed by the Board of Trustees imposing a fine or penalty for any violation or offence, to be posted in at least five public places in the Village; one of which shall be the Post Office; and to post any and all other Ordinances Resolutions and Notices whenever ordered posted by the Board of Trustees.

6. To discharge any and every other duty imposed by Statute, or that may be required by the Board of Trustees, or by any By-Law or Ordinance of the Village.

THE TREASURER.

§ 4. It shall be the duty of the Treasurer to receive, keep and disburse all moneys in manner required by § 2, Title V, Chap. 291 of the Session Laws of 1870, classifying and stating whether for "Ordinary Expenditure," "Extraordinary Expenditure" or "Highway Work;" and he shall enter under the first above heading, all moneys received for fines and penalties; and he shall take as his receipts and vouchers, the indorsement of the person or persons to whom the liability or order is made payable, and note on each the time of its payment; and shall also enter in the Book to be kept by him, the time of payment, amount paid, and name of person or firm to whom paid; and he shall at least fifteen days before each annual election, and as much oftener as the Board of Trustees may require, report to said Board the state of the Village finances, giving a full statement of all moneys received and paid out by him under each of the above classifications and headings.

THE COLLECTOR.

§ 5. The Collector shall give the Bond, required by the aforesaid "Act for the incorporation of Villages," and discharge all of the duties of his office in manner, and within the time prescribed by said act; and shall take from the Treasurer his receipt for any and all moneys he may pay over, and file the same with the Clerk within ten day after each and every payment; and shall report to the Board of Trustees, as often as said Board may from time to time direct, and shall make final returns of every warrant as required by law.

STREET COMMISSIONER.

§ 6. The powers and duties of the Street Commissioner of the Village shall be as follows, viz:

1. To see that all public roads, streets and alleys, and bridges of the Village are kept in good order, and condition; and to cause to be picked up and removed monthly (except in winter season) all loose stone in the streets of said Village.

2. To prevent all horses, cattle, swine, geese and other domestic animals from running at large in said Village, and to impound those of unknown owners; and to commence suits for penalties whenever the owner or owners are known; and to notify the Clerk of the commencement of all such suits, and leave with him the name or names of witnesses to prove the ownership of such animals, and the time and place, when and where they were seen at large.

3. He shall from time to time notify the Board of Trustees, of any and all defects of sidewalks, and necessary repairs to be done; and to see that the same are repaired or rebuilt, and also new ones built, as said Board may direct.

4. He shall enter in a book to be procured and kept by him for that purpose, an account of any and all work done by himself and by others; and of all moneys received

and paid out by him, and for what purpose; and in case he shall build, repair, or re-build, any sidewalk as aforesaid, he shall keep and enter in such book a separate account and statement of the cost and expense of labor and material of every such walk, and state the time when, and give the name of the person, or corporation for whom done.

5. He shall, at least fifteen days before each and every annual election, and as much oftener as the Board of Trustees may require, render unto said Board a full and correct account, and statement of all labor performed, and of all moneys received and paid out by him, and exhibit his receipts and vouchers therefor.

STREET REGULATIONS.

§ 7. No person shall ride on horseback, or in any carriage, or lead or drive any horse, mule, ox or cow, on any of the sidewalks of the Village, (except in necessarily crossing the same,) nor drive any team with loaded wagon down hill so that the wheels shall run within four feet of any paved gutter, under penalty of five dollars.

§ 8. No person shall ride down hill upon any hand-sled or board, in Genesee or Elm streets; nor on the sidewalk of any other street in the Village, without special permit from the Board of Trustees, under penalty of one dollar; nor throw any ball, stone or stick at, or towards, any person or child, in any of the public streets or parks of the Village, under penalty of from one to five dollars for each and every offence.

§ 9. All horse-racing and immoderate riding or driving, in any of the streets of the Village are forbidden; and any and every person who shall violate this section, shall be subject to a fine of five dollars; and a like penalty shall be imposed upon any and every person who shall be engaged in getting up or aiding, or abetting, any horse race or trotting match which shall be had in the corporate limits of the Village, without having first

obtained a written permit from the Board of Trustees for the same.

§ 10. No person shall stop any horse, team, buggy, wagon, cutter, sleigh, sled or other vehicle, on any of the cross-walks, or street-crossings of the Village, or allow either to stand thereon, so as to prevent or hinder any person wishing to cross from so doing, under penalty of one dollar for each and every offence.

§ 11. No person shall leave, or suffer to be left, any wagon, cart, sleigh, wood, coal, lumber or other obstruction on any of the sidewalks of the Village; nor leave, (except in case of necessity and for use in building,) any stone, lumber or other material or obstruction in any of the streets of the Village; nor throw any weeds, chips, brush, filth, coal-ashes or other rubbish into, or upon, any of the gutters, streets or sidewalks of the Village, under penalty of two dollars for each and every offence, over and above the expense of removal.

But nothing in this section shall prevent any person from depositing any such thing in any street between the road-track and the gutter in front of his own premises until the same can, with due diligence, be burned or removed—in no case to exceed twenty-four hours.

§ 12. Every person and corporation in the Village, as may be ordered by the Street Commissioner, under the direction of the Board of Trustees, shall keep the sidewalks in front of his, her or their premises, clear of snow and ice and other obstructions to travel, under penalty of one dollar for each and every neglect or refusal, with addition of fifty cents per day, for every day such snow, ice or other obstruction shall be suffered to remain after notice to remove it.

§ 13. No person shall tie any horse to any shade or ornamental tree, nor to any fence in the Village; nor cut, mark, deface, besmear or wantonly or wilfully injure any tree, tree-casing, post, fence or railing, or other useful or ornamental structure, or thing in the Village; nor tear,

deface, cut or remove any card, notice or handbill that may be put up by order of the Board of Trustees or any other officer of the Village, under a penalty of not less than five, nor more than twenty-five dollars.

§ 14. Any person who shall tear up, or injure any pavement, sidewalk or cross-walk, or any ditch, gutter, drain, sewer, pipe or reservoir, of the Village, or cause, aid, or abet the same, without authority from the Board of Trustees or Street Commissioner; or who shall obstruct or hinder any member of said Board, or the Street Commissioner, or any person in the employment or under the direction of either, from making or repairing any such pavement, walk, ditch, drain, sewer, pipe or reservoir, shall be subject to a fine and penalty of not less than three, nor more than twenty-five dollars.

§ 15. No person shall build any fence or erect any building or other structure, obtruding on any of the public streets, squares, parks or alleys of the Village, under penalty of ten dollars; and an additional penalty of one dollar for each and every day the same shall be suffered to remain, after notice from the Board of Trustees, or from the Street Commissioner, requiring its removal.

§ 16. No person shall, without the permission of the Board of Trustees, or of the Street Commissioner, dig up, remove, or carry away, or cause the same to be done, any stone, earth, sods, sand, or gravel in, and from any of the public streets, highways, parks or squares of the Village, under penalty of five dollars for each and every offence.

§ 17. No person shall post, or affix any bill, advertisement, notice or other paper on any public building, post, fence or railing in the Village; nor on any private building, post, fence or railing, without the consent of the owner thereof, under penalty of five dollars for each and every offence.

§ 18. All hitching posts, shade trees, and protection-

posts, and railings hereafter set (except to preserve the row already set in front of any lot,) shall be set as follows, to wit: those on Genesee, Clinton and Elm streets, at least eight feet—those on all other street over two and a half rods wide, at least six feet—and those on all other streets and alleys, at least four feet—from the outer line of the road or street; and every person owning a lot on which there is a dwelling house, store or workshop, in which there is not a convenient staple or ring for hitching, shall set, and keep up, at least one good and sufficient hitching post, with holes or rings convenient for hitching, under penalty of three dollars for each and every violation of this ordinance.

POLICE FORCE.

§ 19. The Police Force of the Village shall consist of five or more Police Constables, to be annually appointed by the Board of Trustees; and as many special Policemen for any particular purpose or occasion, as said Board, from time to time, may see fit to appoint; whose several powers and duties shall be as hereinafter stated, subject to the following provisions, rules and regulations, viz:

1. One of said Police Constables shall be named and appointed by said Board as the Chief of the Police Force of the Village, and shall have the care and custody of the Village "Lock-up;" and the direction and control of the whole Police Force of the Village; and shall have all the powers, and may discharge all of the duties of Town Constable as prescribed in § 4, Title V, Chap. 291 of the Session Laws of 1870, and those hereinafter named.

2. Each and every other Police Constable of the Village may serve any summons or warrant issued for the violation of any Statute, or By-Law, or Ordinance of the Village, when the offence shall have been committed in the Village; and said Chief of Police, or either of said other Police Constables, may arrest, without process and take before a Magistrate, or temporally confine in the

"Lock-up," any vagrant or disorderly person found within the corporate limits of the Village.

3. Said Chief of Police, when present, or in his absence, any other Police Constable of the Village, may call to his aid and assistance, any by-stander or citizen; and if any person so called upon, shall neglect or refuse to render such aid and assistance, he shall be subject to a fine of not less than three, nor more than ten dollars.

4. Any and all persons, who may be arrested by the Chief of Police, or any other Police Constable, or special Policeman of the Village, or by any Constable of the Town of Manlius, residing in the Village, may be taken to, and confined in the Village "Lock-up," until taken before a Magistrate, as provided by law; and afterwards as it may, from time to time, become necessary during any examination or trial.

5. Said Chief of Police, may also use said "Lock-up" without charge, for the temporary confinement of any other person whom he may arrest on civil or criminal warrant; but no other Constable (Town officer) shall thus use the same without pre-payment, to said Chief of Police or the Village Treasurer, of the sum of one dollar for each and every person confined, to be for the use of the Village.

6. Said Chief of Police shall see that the "Lock-up" building is kept in suitable order and condition, for the reception and confinement of persons arrested; and shall furnish each Police Constable, and the Village Treasurer with keys to the outer door, and to one, at least, of the cells thereof.

7. It shall be the duty of said Chief of Police, and each and every Police Constable, in case of fire, to repair immediately thereto, and to assist in keeping order, and in saving property from destruction or injury; and to guard the same against pillage.

8. Any and every person who shall resist, obstruct or hinder the Chief of Police, or any Police Constable, or

any special Policeman of the Village, in the discharge of any of the duties of his office, shall be subject to a penalty of not less than five, nor more than twenty-five dollars.

9. Any and every person who shall break open, or into, said "Lock-up" building, or break the lock or other fastening of either cell door thereof, for the purpose of releasing, or aiding in the escape of any one confined therein; or who shall be privy to, connive at, aid, abet or assist any one in so doing; shall be subject to a fine of not less than ten, nor more than fifty dollars.

10. The building herein before called the "Lock-up" on the south side of Genesee street, between the two branches of Limestone creek, shall be the place of detention and confinement, for all persons while temporarily under arrest.

PRESERVATION OF GOOD ORDER.

§ 20. Any and every person who may instigate, or unite with another, or others, in blowing any horns, or in wantonly making any other noise, in any of the streets or parks of the Village, or about any public building or place, whereby the peace and quiet of the people of the Village shall be disturbed, shall be subject to a fine of three dollars, if done in the day time; and a fine of from five to ten dollars, if done in the night time or evening; and any and every such person may be immediately arrested, without process, by any member of the Board of Trustees, any Magistrate, any Police Constable, or by the Street Commissioner; and if in the evening or night time, taken to, and confined in, the Village "Lock-up," until 9 o'clock the next morning.

§ 21. No person shall bathe his naked body in any creek, dike, stream, pond, reservoir or other waters of the Village, between the hours of 5 o'clock in the morning and 9 o'clock in the evening; nor undress himself for that purpose, or expose his person to view within

sight of any street, store or dwelling in the Village, under a penalty of from two, to five dollars for each and every offence.

§ 22. All noisy, and disorderly assemblages of persons—and the use of any vulgar, obscene or profane language, in any of the streets, parks, squares or public buildings, or places, in the Village, are hereby prohibited, under penalty of not less than one, nor more than five dollars for each and every person, and offence committed.

§ 23. No person shall sell, or give away, any spirituous liquors, wine, ale, beer, or other intoxicating drink, in any of the public streets, parks, squares or vacant lots, within the Village; and any and every person violating the provisions of this section, shall be subject to a fine of not less than five, nor more than twenty-five dollars.

§ 24. Any and every person, who shall be found intoxicated in any of the streets of the Village; or who shall incite or induce dogs to fight in any of the streets, or public places of the Village; shall be subject to a fine of not less than five, nor more than ten dollars.

§ 25. Every disorderly person, guilty of any or either of the other offences, enumerated in § 18, of Title VIII, Chap. 291 of the Session Laws of 1870, known as the general "Act for the Incorporation of Villages," for which no provision is elsewhere herein made, shall be subject to a fine of not less than three, nor more than ten dollars.

PROTECTION OF CEMETERIES.

§ 26. Any and every person, who shall wantonly or wilfully deface or injure, in any manner, any monument, stone, fence, post, railing, chain or other ornament, erection or structure, in or about, any of the Cemeteries of the Village; or any shade or ornamental tree, shrub, vase or planted or artificial flower, therein, or in front thereof, shall forfeit and pay a fine of twenty-five dollars.

§ 27. Any and every person who shall throw any ball, stone, stick or other thing, likely to do injury, into, or while in, any of the Cemeteries of the Village, shall forfeit and pay a fine of ten dollars.

§ 28. No person shall discharge any gun, pistol, or other fire-arms, in any of said Cemeteries—nor wantonly kill, wound, or rob the nest of any bird, therein, under a penalty of five dollars.

§ 29. Any and every person, committing any or either of the acts and offences named in either of the last three preceding sections, shall be liable to immediate arrest, and may be brought before a Magistrate, or taken to the Village "Lock-Up," without process, by any officer of the Village, or by any person owning a lot, or having a relative buried, in the Cemetery where the offence shall have been committed; and for the purpose of making such arrest and detention, every such person shall be, and have all the authority of, a special Police Constable of the Village; but every person making any such arrest, (otherwise than a Magistrate or Police Constable) shall immediately thereafter, notify a Magistrate, or Police Constable, of such arrest and the place of detention.

TO SUPPRESS VICE AND IMMORALITY.

§ 30. No person, or persons shall keep any brothel, or house of assignation, in the Village; nor keep or entertain any lewd women for purposes of prostitution; nor aid or abet in the procuring, or keeping of any such woman or women; nor suffer such to remain in his, her, or their house, for the purpose aforesaid, under penalty of twenty-five dollars for each and every offence.

§ 31. Any owner or lessee of a house in said Village, who shall permit any tenant or other occupant thereof, who shall have been convicted of keeping any such brothel or house of assignation, or of harboring or entertaining lewd women, for purposes of prostitution, to remain in said house more than ten days after notice, by

any member of the Board of Trustees, or by any Magistrate, of such conviction, shall be subject to a penalty of twenty-five dollars; with an additional penalty of three dollars for each and every day such tenant or occupant may be suffered to remain, more than ten, after such notice.

CARD PLAYING AND GAMBLING.

§ 32. It shall not be lawful for any person to keep open for use, any Billiard Saloon, Nine Pin or Ten Pin Alley, or Gun Alley, within said Village, without having first had a Licence from the Board of Trustees therefor; and any and every person, violating the provisions of this section, shall be liable to a penalty of twenty-five dollars; and the further penalty of ten dollars for each and every day the same shall be continued, after the first conviction.

§ 33. Any person who shall keep a Nine or Ten Pin Alley, Billiard Table, Shuffle Board, E. O. Table, Faro Bank, or other instrument of devise of gaming, whereon, or with, or by which, any money, liquor, or other article or thing, shall in any manner be played for, won or lost in said Village, without first having obtained a Licence from the Board of Trustees therefor; and any person who shall keep a disorderly, or gaming house, or gaming room, of any kind, in said Village; shall be subject to a fine of twenty-five dollars; with an additional penalty of five dollars for each and every days use or continuance thereof, after conviction.

THEATRICAL EXHIBITIONS.

§ 34. No person shall exhibit for money, any theatrical representation, feat of horsemanship, circus, caravan, nor any animal or artificial curiosity, or other show, exhibition, or performance for money, within the Village, without first having obtained a Licence or permit from the Board of Trustees therefor—and paying for the use of the village a sum of not less than five, nor more

than twenty-five dollars, in the discretion of the Board granting such Licence—under penalty of twenty-five dollars.

HAWKING AND PEDDLING.

§ 35. No person, except a Licenced Auctioneer when selling for some resident of the Village, shall expose any goods, wares, merchandise, or other article, or commodity for sale at auction, in any of the public streets, parks, squares, or vacant lots of the Village, without first having obtained a written Licence, or permit from the Board of Trustees, therefor, under penalty of twenty-five dollars.

§ 36. All hawking or peddling in any of the streets, parks, or squares of the Village, is hereby prohibited; and no person shall hereafter sell, or offer for sale, any goods, wares, merchandise or other commodity or thing, from any wagon, stand, fixture, or other erection, in the Village, without the written consent, or permit of the Board of Trustees having first been obtained therefor, under penalty of fifteen dollars; but this shall not prevent any resident of the Village from selling in front of any store, shop, or house, from any stand or otherwise, with the permit or consent of the owner.

FIRE DEPARTMENT.

§ 37. The Fire Department of the Village shall consist of one or more engine companies, one or more hose companies, and one hook and ladder company; and be subject to the following rules and regulations:

1. Each of said companies shall consist of such numbers, and members, as the Board of Trustees may see fit, from time to time, to order and appoint; with a Foreman, and first and second assistant Foreman, to each of said companies, to be elected annually by its members, and approved and commissioned by the Board of Trustees.

2. There shall be a Chief Engineer, and two assistant

Engineers, of said Department; and subject to the direction of the Board of Trustees, said Chief Engineer, and in his absence, the senior assistant Engineer, in case of fire, shall have charge and control of the entire Department, and may direct the movement of all of its officers and members, and engine, hose, and other apparatus.

3. Said Chief Engineer shall frequently inspect the engine, hose, and other apparatus for extinguishing fires, and see that they are kept in good order and condition for immediate use; and shall cause all necessary repairs to be made, under the advice and direction of the Board of Trustees.

4. There shall also be three Fire Wardens, to be annually appointed by the Board of Trustees; whose duty it shall be to inspect all houses, and the manner in which stoves and pipes are put up and secured; and all places for the deposit and keeping of ashes—once at least, during the month of May and of November, in each year—and as much oftener as they may deem it necessary, or as complaint to them shall be made.

5. Said Fire Wardens are hereby authorized, in the day time, to enter any house, outbuilding, or other place, for making such inspection; and they may order any and all such changes to be made in the construction of chimneys, or flues, and in the manner of putting up and securing stoves, and pipes; and as to the places, and manner of deposit and keeping of ashes, as they may deem to be necessary for protection and security against fires.

6. Any person who shall obstruct or hinder any Fire Warden, in making any such inspection, or examination, or who shall refuse or neglect to make such changes and alterations, as they may require, and within such reasonable time as they may direct, shall be subject to a fine of twenty-five dollars; and an additional fine of five dollars, for each and every day longer in which he or she, may persist in such neglect or refusal.

7. It shall also be the duty of said Fire Wardens, to repair immediately to all fires ; and to assist, when necessary, in procuring buckets and pails, and in forming citizens into line ; and to guard the hose against being trodden on ; and to remove all idle persons and children, who may be in the way, or in dangerous proximity to any fire.

8. Any and all persons attending at any fire, shall obey all reasonable orders of the President, any Trustee, any Chief or Assistant Engineer, and of any Fire Warden (in the order named,) under penalty of ten dollars.

9. The Firemen of the Village shall, once at least, in each month, April, May, June, July, August, September, October, and November, of each year, come out with their engine, hose, and other apparatus, for discipline and exercise, as the Chief Engineer may direct ; and any fireman who shall neglect to attend any such, or other, meeting of the company to which he may belong—whether for exercise, cleaning engines, hose, or other apparatus to which he is attached—without rendering a satisfactory excuse to his Foreman for such absence, shall be subject to a fine of fifty cents.

FURTHER PROTECTION AGAINST FIRES.

§ 38. No person shall light a fire in any of the streets, or lots of the Village, in dry or windy weather ; nor at any time, after two o'clock in the afternoon ; nor leave any live coals, embers, or unextinguished fire burning after nine o'clock in the evening, under penalty of two dollars.

§ 39. No person shall carry a lighted candle, or lamp, into any barn or livery stable—nor light, keep, or use one, in any barn or stable, in the Village—unless the same shall be securely enclosed in a tin, or glass, or globe lantern ; nor shall any person light a match in, or carry a lighted pipe or cigar into, any such barn or stable ; under penalty of five dollars, for each and every aforesaid offence.

§ 40. No person shall draw, or pour, from any cask, can, or other vessel, any kerosene oil, burning fluid, or other explosive oil or fluid, near any lighted candle or open lamp; nor fill, or attempt to fill, any lighted or burning lamp therewith; under penalty of five dollars.

§ 41. No person shall fire, or explode, any gun, pistol, fire-cracker, or other fire-works, within any building, or street of the Village—nor build any bonfire, in any of the streets, parks, or squares of the Village—without permission from the Board of Trustees, under penalty of five dollars for each and every offence.

§ 42. No person shall carry fire from one building to another; nor through any yard, or street in the Village, unless the same shall be in some close and secure pan or vessel, under penalty of three dollars, for each offence.

§ 43. No person shall deposit, or keep any recently burned, or new made wood ashes, within twenty feet of any building or erection, within the Village, unless the same shall be deposited and kept in some close and secure iron, or earthen vessel, or in a stone, or brick bin, or ash-house, under penalty of two dollars, for each and every violation of this ordinance; and a further penalty of fifty cents, for every twenty-four hours, the same shall be suffered to remain, after notice from the President, any Trustee, or any Fire Warden, requiring their removal.

§ 44. No person, firm, or corporation, shall deposit, expose, or keep any unslacked quick-lime, in any wooden bin, or cask, nor in contact with any ignitable matter or substance, within forty feet of any wooden building in the Village, without the consent of the President, one of the Trustees, or Fire Wardens of the Village, after inspection, and approval of the place as one of necessity and safety, under penalty of five dollars; and an additional penalty of one dollar for each day the same shall be suffered to remain, after notice requiring its removal.

GUNPOWDER.

§ 45. No person or firm shall deposit, place, or keep, nor direct the same to be done, more than twenty-five pounds of gunpowder at the same time, within twenty-five rods of any inhabited dwelling, or store, or workshop being in use, under penalty of twenty-five dollars; and all such powder, when kept in quantities of not more than twenty-five pounds, shall be kept in safe and secure tin cans, of not over two pounds each, which shall not be opened, or handled for inspection, sale, or use, after candle-light in any evening, under a like penalty of twenty-five dollars; and every person or firm, who shall deposit, have, or keep over five pounds of powder in his store, shop, or dwelling, at any one time, shall report to the Chief Engineer of the Fire Department, on receipt of every new supply, stating the number and size of the cans, and in what part of the store, or other building, the same is deposited and kept, under penalty of five dollars for each and ever neglect. And in no case shall any nitro-glycerine, nor any powder, in larger quantities than twenty-five pounds, be kept in any part of the Village, without special permit from the Board of Trustees, unless the same shall be securely stored and kept in a fire-proof building more than twenty-five rods from any dwelling, store, or workshop (inhabited or in use) under penalty of twenty-five dollars.

§ 46. No person, or firm, shall put up within the Village, the pipe of any stove, boiler, or furnace, unless the same shall be carried direct into the chimney, or be provided with earthen, open tin, or other safe and non-igniting tubes, pipes, or thimbles through the passage of every floor or partition, under penalty of five dollars.

POUND MASTER.

§ 47. The keeper of the pound shall be known as the Pound Master of the Village; and his powers and duties shall be as follows, to wit:

1. He shall have the care and custody of the Village pound, and the locks and keys thereof; and of all animals while confined therein.

2. He shall receive, confine, and securely keep, in such pound any and all domestic animals, (including geese,) that may be found running at large in the Village, whenever driven thereto, by any officer, or other responsible inhabitant, of the Village; and shall, every night and morning, milk all milch cows, and properly feed and water all animals.

3. He shall immediately pay to the person driving any such animals, twenty-five cents for each horse, mare, or head of neat cattle, over six months old; and the same for each swine over three months old; and ten cents for each goose; and fifteen cents for each, and every other animal; to be repaid him by the several owners of such animals before the same shall be released; or kept out of the moneys for which any such animal shall be sold, in case of sale thereof.

4. He shall keep all such animals two days before advertising, and shall advertise, forty-eight hours at least, before selling, by posting one notice on the pound, one at the post-office, and one at each of the meat markets of the Village describing each animal, and stating the time and place when and where the same will be sold.

5. He shall receive for his fees, services and expenses for taking in, and keeping, and selling every such animal, as follows, viz:

For taking in each horse, mare, mule or colt, and head of neat cattle, over six months old, and swine over three months old, fifty cents; and fifty cents per day for the feed and keeping of every such animal;

For taking in each goose, twenty cents, and ten cents per day for the feed and keeping thereof;

For taking in each and every other animal, thirty cents, and twenty cents per day for the feed and keeping thereof;

But every sow, with litter of pigs under three months old, shall count and pay as two swine; and the Pound Master shall use his best judgment in determining the age of any and every animal, and his decision in such matter, shall be final and conclusive;

For advertising each animal, twenty cents, and for selling the same, twenty-five cents.

6. He may, and shall, in all cases detain each and every impounded animal, until his aforesaid fees, costs, and expenses, together with the sum paid by him for driving, and his fees for advertising, when done, shall be fully paid.

7. In case of the sale of any animal, he shall retain his aforesaid fees, costs, and expenses, and pay over the surplus money, if any shall remain in his hands, to the owner or owners of each animal sold, on demand; and if not called for by such owner in ten days after sale, then to the Village Treasurer.

8. He shall procure, and keep a book, in which he shall enter a brief and general description of each and every animal received into said pound; and the time the same was impounded, and the name of the person driving; and in case of sale, the highest sum bid for, and the name of the purchaser of, each and every animal sold.

9. In every case of the sale of any animal, which in the judgment of the Pound Master, shall be of the value of ten dollars, or over, he shall offer the same for sale, and sell the same, subject to the owner's right of redemption; and the owner of every such animal may, within thirty days thereafter, redeem the same, by paying the purchaser the sum bid by him, with ten per cent. interest, and the cost and expense of keeping such animal, from the time of sale.

STREET NUISANCES.

§ 48. It shall not be lawful for any person or persons

to suffer his, her, or their horses, cattle, swine, or other animals to run at large or feed in any of the streets, public squares, parks or commons of the Village, except when being carefully and directly driven to and from pasture, under penalty of one dollar for each and every animal and offence.

§ 49. All geese running at large or feeding in any of the streets, squares, parks, commons or reservoirs of the Village, are hereby declared nuisances; and the owner thereof shall be subjected to a penalty and fine of fifty cents for each and every fowl and offence.

§ 50. Horses, cattle, swine, geese, and other domestic animals, found running at large in any of the streets, parks, squares, or commons of the Village, shall in addition to such penalties, be liable to be taken up and driven to the Village pound, by any officer, or other responsible inhabitant of the Village; and the person driving, shall be entitled to receive from the Pound Master, at the time, for his or her services, the sums required to be paid by sub-division 3, of § 47, of these By-Laws and Ordinances.

§ 51. Any person who shall prevent, or attempt to prevent, any other person from driving any cattle, horses, swine, geese or other animal to the pound, shall be liable to a fine of five dollars; and any person who shall break the enclosure of the pound for the purpose of releasing any animal impounded, or shall aid or abet, or instigate any person in so doing, or shall in any way release or attempt to release any such animal otherwise than according to law, shall be liable to a fine of twenty dollars.

§ 52. Every dog, or canine animal, found in any of the streets, alleys or parks of the Village, without being properly and securely muzzled, shall be liable to be shot or otherwise killed, by any Policeman or inhabitant of the Village; and whenever the Board of Trustees shall post written notice requiring it, the owner, or person having in possession, any and every such animal shall cause the

same to be kept so muzzled, under penalty of five dollars.

BOARD OF HEALTH.

§ 53. The Board of Health of the Village of Fayetteville shall consist of the President of the Village for the time being, and two other members to be known as Health Commissioners, to be annually appointed by the Board of Trustees, at their first meeting in June in each year; also a practicing Physician, to be at the same time appointed by the Board of Trustees, to be known as the Physician to the Board of Health; the powers and duties of which Board shall be as follows, to wit:

1. To look after the health and sanitary condition of the inhabitants of the Village, and guard against infectious, and pestilential, and other diseases.

2. To inspect any and all places and things claimed to be nuisances, or dangerous to health; and to order their abatement, cleansing, purification, or removal, as the necessity of the case may require.

3. And said Board of Health is hereby authorized for the purpose of making such inspection, to enter any building, yard, or other place, and to order the abatement of any and every nuisance, and the cleansing, purification, and removal, of every place or thing which they may deem dangerous to health; and to prescribe and fix the time in which every such abatement, cleansing, purification, or removal, shall be had and done; and to make any and every other order necessary for the accomplishment of the object desired.

4. Said Board of Health shall possess all the powers conferred by, and be subject to the provisions of, the act of the Legislature of the State of New York, entitled "An act for the preservation of the Public Health," passed April 10, 1850, and all acts amendatory thereof, and of the act entitled "An act for the Incorporation of Villages," passed April 20, 1870.

INFECTIOUS AND PESTILENTIAL DISEASES.

§ 54. Whenever any person shall be taken with the small-pox or any other infectious or pestilential disease within the Village, or shall be sick therewith in any house or place within the Village, from which, in the opinion of the Board of Health, there shall be danger that such disease may be communicated to, or taken by others, said Board may order the removal of such sick person (if then in condition to admit of removal) to such retired and secure place as such Board may direct; and the person in whose house or family such sick person may be, shall make such removal within the time specified by the order of said Board, under penalty of twenty-five dollars.

§ 55. If any such sick person shall not have been removed within such time, said Board of Health may direct and cause his or her removal to be made; and if such sick person is unable to provide medicine, medical attendance, nurses, food, and other necessities for his or her comfort, the same shall be temporarily provided and furnished by the Board of Trustees of the Village, until one of the Overseers of the Poor of the Town of Manlius can be notified, and shall have made proper provisions for the care, attention and support of such person; and in every case of such poor person being so sick, the Board of Trustees shall give immediate notice to one of the Overseers of the Poor of said Town, requiring of the Town such aid and assistance.

§ 56. Whenever any person shall be sick with the small-pox, or other infectious or pestilential disease, at any house within the Village, the Board of Health shall cause notices to be posted upon, or near said house, and in the roads or passages leading from each way thereto, warning the public of the fact, and directing that no person or persons, whose attendance shall not be absolutely necessary, shall go into or near such house.

§ 57. It shall be the duty of every householder or person in whose house, or upon whose premises, any one shall be taken sick with the small-pox or other infectious or pestilential disease, within twelve hours after knowledge of the fact, and of every physician within three hours after such knowledge, to report such case to the President, or one of the Health Commissioners, of the Village—each under penalty of twenty-five dollars.

OTHER AND FURTHER PROVISIONS.

§ 58. In every case in which the Board of Health shall declare any place or thing to be a nuisance, the owner, or in case of his absence, the occupant of the lands and premises on which the same shall be located or situated, shall abate or remove the same, within such reasonable time, as said Board may direct, under penalty of twenty-five dollars; and an additional penalty of five dollars for every twenty-four hours the same may remain after the expiration of the time fixed by said Board for its abatement or removal.

§ 59. No person, firm, or corporation, shall permit or suffer any dead horse, cattle, swine, or other animal, to remain on his, her or their lands, nor between the line and center of the road in front thereof, over twenty-four hours, unless within that time all parts of the same shall be buried two feet, at least, below the original surface of the soil, and at a suitable distance from any dwelling, store, or workshop, and with the dirt so placed back in the hole, and over the animal, as to prevent all stench therefrom; under penalty of ten dollars; and in addition the expense of removal, if done by order of the Board of Health.

§ 60. It shall be unlawful for any person, firm, or corporation to cause or suffer any slops, cess-pool water, or other filthy or offensive waters, or excrement to run, or flow, from his, her, or their lands, on to the lands of another, or into any of the streets or open gutters of

the Village, under penalty of five dollars for each offence; and one dollar for each and every twenty-four hours the nuisance shall be continued after the Board of Health shall order its abatement; but this shall not include waters running by reason of rain, or the melting of ice or snow, if not flowing through filthy places, or channels.

§ 61. Whenever the Board of Health may direct it, and under its direction, each and every owner or occupant of any lands and premises within the Village, shall forthwith, and thoroughly, renovate, clean, and purify, any and all sinks, sewers, drains, gutters, cess-pools, privies, slaughter-houses, and other nuisances, which now are, or at any time may be, on such lands and premises; and within such reasonable time as said Board may prescribe, under penalty of ten dollars; with an additional penalty of three dollars for each and every day the same may be suffered to continue, after the expiration of the time said Board may fix for its cleansing purification or removal.

§ 62. No person shall throw or place, nor cause the same to be done, any fetid meat, fish, entrails, carrion, or other animal putrefaction or substance, in any creek, stream, canal, dike, race-way, pond, reservoir, or other flowing or standing water of the Village, under a penalty of not less than five nor more than ten dollars.

§ 63. No person, or persons, shall hereafter build, erect, or use, any slaughter-house within the Village, unless in such remote or retired part thereof, as the Board of Health, in writing, may permit, as not likely to do injury, or give offence, under penalty of ten dollars; and an additional penalty of three dollars for each and every day the same may be used.

OF GENERAL APPLICATION.

§ 64. Any and all fines and penalties imposed by Statute, or by any By-Law or Ordinance of the Village, for any violation or offence committed in the Village, un-

less the same shall be voluntarily paid by the offender, shall be sued for and collected in the corporate name of the Village; and in all cases of the gradation of fines or penalties for any offence, or class of offences, it shall be discretionary with the Magistrate convicting, to impose the highest, or lowest, or any intermediate fine or penalty—together, in all cases, with costs as provided by Statute.

§ 65. No imposition, or collection, of any fine or penalty for any trespass or injury to any public or private property, by the Village, for the violation of any of its By-Laws or Ordinances, shall bar or hinder any person, firm, or corporation from suing for, and recovering his, her, or their damage for any injury done to person or property.

§ 66. The President of the Village may, whenever he shall deem it expedient or proper, offer a reward for the arrest and punishment of any offender, not exceeding in amount the fine or penalty by these By-Laws and Ordinances imposed for the violation or offence committed.

§ 67. Any person, or persons, who shall give information which shall lead to the arrest and conviction of any one, who shall be guilty of any wanton, malicious, or wilful trespass or mischief; or wantonly making or assisting in making any noise in the streets of the Village in the night-time; or of selling or giving away any intoxicating liquors, wine, ale or beer, in any of the streets, parks or vacant lots of the Village; or of violating either of the ordinances for the protection of cemeteries; or of keeping any brothel or house of assignation, or of procuring or entertaining lewd women, for purposes of prostitution; or of keeping any gaming or disorderly house, or playing for money, liquor, or any other thing and winning or losing thereat; shall be entitled to demand and receive one-third of the fine or penalty imposed for the violation of the By-Laws or Ordinance

made for the prevention thereof, as soon as the same shall be paid or collected.

§ 68. In every case of suit and judgment for any fine or penalty given under the general act for the incorporation of Villages, passed April 20, 1870; or for any fine or penalty imposed for the violation of any By-Law or Ordinance of the Village, if the defendant has no property, personal or real, whereof judgment can be collected, the Justice or Magistrate convicting shall issue an execution against the body, requiring the defendant to be imprisoned in the County Jail—(Onondaga County Penitentiary) for a term, to be therein stated, not exceeding ten days.

§ 69. These By-Laws and Ordinances shall be printed and published in pamphlet form, and be posted by hanging up copies at the post-office, each bank, each hotel, and each meat market in the Village, and shall take effect immediately; except that none imposing any fine or penalty shall take effect until ten days after such publication and posting; and all former By-Laws and Ordinances of the Village shall cease to be operative from and after the time these shall become fully effective as aforesaid. Amendments, and new By-Laws may be made, but shall not take effect, (if general) until after two weeks publication in the Village paper, and posting ten days as aforesaid.

